

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
David Downing) Case No. 24-20570-CMB
Sharon Downing)
Debtor(s).) Chapter 13
X

ORDER OF COURT
(Check Boxes That Apply)

☐ Confirming Plan on Final Basis ☒ Chapter 13 Plan dated:
3/7/24
☒ Authorizing Distributions Under Plan ☐ Amended Chapter 13 dated:
On Interim Basis Solely as Adequate Protection _____

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$2,622 effective 04/01/24.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$ ___, beginning ___. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- Ally Bank Lease Trust CL#8 with payment per the plan of \$315/month
 - Keybank NA CL#10 govern as paid in full (with Trustee to determine payment)

- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
-
- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
- *All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the

Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: 4/30/2024


United States Bankruptcy Judge **dmk**

cc: All Parties in Interest to be served by Clerk

FILED
4/30/24 12:32 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
David Downing
Sharon Downing
Debtors

Case No. 24-20570-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: auto

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Date Rcvd: Apr 30, 2024

Form ID: pdf900

Total Noticed: 58

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 02, 2024:

Recip ID	Recipient Name and Address
db/jdb	+ David Downing, Sharon Downing, 906 Western Av, Jeannette, PA 15644-2944
15693204	+ Assoc Bank, 1305 Main St, Stevens Point, WI 54481-2898
15693205	Bank of America, 220 E Blackstock Rd, Spartanburg, SC 29301
15693211	+ CB/Roamans, Box 650972, Dallas, TX 75265-0972
15693212	+ CBNA, PO Box 628, Olean, NY 14760-0628
15693216	+ College Ave, PO BOX 5863, Carol Stream, IL 60197-5863
15693218	+ CollegeAve, PO BOX 5863, Carol Stream, IL 60197-5863
15693221	+ Earnest, PO BOX 9655, Wilkes Barre, PA 18773-9655
15693223	+ FNB Omaha, 2223 Dodge St, Omaha, NE 68102-1912
15693227	Lakeview - Serviced by M&T, PO Box 1288, Buffalo, NY 14240-1288
15693230	PFCP/FBT/FA2/CWS, PO Box 650726, Saint Jo, TX 76265
15693234	SYNCB/Care Credit DC, PO BO71757, Philadelphia, PA 19176
15693243	SYNCB/Walmart, PO BOX 10307, Roswell, GA 30076
15693231	#+ Sarah E. Downing, 906 Western Ave, Jeannette, PA 15644-2944
15693245	+ UAS/College Ave Student, PO BOX 5863, Carol Stream, IL 60197-5863

TOTAL: 15

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	May 01 2024 00:02:00	Ally Bank Lease Trust - Assignor to Vehicle Asset, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
15693202	Email/PDF: bncnotices@becket-lee.com	May 01 2024 00:02:07	AMEX, PO BOX 7871, Fort Lauderdale, FL 33329
15699916	+ Email/PDF: acg.acg.ebn@aisinfo.com	May 01 2024 00:02:07	Ally Bank Lease Trust c/o AIS Portfolio Services,, 4515 N. Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
15693201	+ Email/Text: ally@ebn.phinsolutions.com	Apr 30 2024 23:54:00	Ally Financial, PO Box 380901, Minneapolis, MN 55438-0901
15707851	Email/PDF: bncnotices@becket-lee.com	May 01 2024 00:01:54	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15693203	Email/Text: GSBankElectronicBankruptcyNotice@gs.com	Apr 30 2024 23:54:00	Apple Card - GS Bank USA, PO Box 7247 Lockbox 6112, Philadelphia, PA 19170-6112
15693206	+ Email/Text: BarclaysBankDelaware@tsico.com	Apr 30 2024 23:54:00	Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803

District/off: 0315-2

User: auto

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15693209	^	MEBN	Apr 30 2024 23:51:33	CB/BreadRWDS, PO BOX 182789, Columbus, OH 43218-2789
15693210	+	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Apr 30 2024 23:55:00	CB/Maurices, Box 182273, Columbus, OH 43218-2273
15693213	+	Email/PDF: Citi.BNC.Correspondence@citi.com	May 01 2024 00:02:07	CBNA, PO Box 6217, Sioux Falls, SD 57117-6217
15693207	+	Email/PDF: AIS.cocard.ebn@aisinfo.com	May 01 2024 00:02:00	Cap1/WMT, PO Box 31293, Salt Lake City, UT 84131-0293
15693208	+	Email/PDF: AIS.cocard.ebn@aisinfo.com	May 01 2024 00:02:01	Capital One, PO Box 31293, Salt Lake City, UT 84131-0293
15707816		Email/PDF: AIS.cocard.ebn@aisinfo.com	May 01 2024 00:02:01	Capital One N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15693214	+	Email/PDF: Citi.BNC.Correspondence@citi.com	May 01 2024 00:02:01	Citi, PO BOX 6217, Sioux Falls, SD 57117-6217
15693215	+	Email/PDF: Citi.BNC.Correspondence@citi.com	May 01 2024 00:02:01	CitiCards CBNA, PO BOX 6217, Sioux Falls, SD 57117-6217
15693217	+	Email/Text: bankruptcy@collegeave.com	Apr 30 2024 23:54:00	College Avenue Student Loans, 1105 N Market St - 20th Floor, Wilmington, DE 19801-1216
15693219	+	Email/PDF: creditonebknottifications@resurgent.com	May 01 2024 00:02:06	Credit One Bank NA, PO BOX 98872, Las Vegas, NV 89193-8872
15693220	+	Email/Text: mrdiscen@discover.com	Apr 30 2024 23:54:00	Discover Bank, PO Box 30939, Salt Lake City, UT 84130-0939
15695236		Email/Text: mrdiscen@discover.com	Apr 30 2024 23:54:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15699121		Email/Text: collecadminbankruptcy@fnni.com	Apr 30 2024 23:54:00	First National Bank of Omaha, 1620 Dodge St Stop Code 3113, Omaha, Ne 68197
15695680		Email/Text: collecadminbankruptcy@fnni.com	Apr 30 2024 23:54:00	First National Bank of Omaha, 1620 Dodge Street, Stop Code 3113, Omaha, Nebraska 68197
15693222	+	Email/PDF: ais.fpc.ebn@aisinfo.com	May 01 2024 00:02:01	First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
15693224	+	Email/Text: GSBankElectronicBankruptcyNotice@gs.com	Apr 30 2024 23:54:00	GS Bank USA, Lockbox 6112 PO BOX 7247, Philadelphia, PA 19170-0001
15709611		Email/Text: JCAP_BNC_Notices@jcap.com	Apr 30 2024 23:55:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud MN 56302-9617
15693225		Email/PDF: ais.chase.ebn@aisinfo.com	May 01 2024 00:01:53	JPMCB Card Services, PO Box 15369, Wilmington, DE 19850
15702547	+	Email/Text: RASEBN@raslg.com	Apr 30 2024 23:54:00	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz, Schneid., Crane & Partners, PLLC, 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15693226	+	Email/Text: key_bankruptcy_ebnc@keybank.com	Apr 30 2024 23:55:00	KeyBank NA, PO Box 94825, Cleveland, OH 44101-4825
15710188		Email/PDF: resurgentbknottifications@resurgent.com	May 01 2024 00:01:54	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15693228	+	Email/Text: Documentfiling@lciinc.com	Apr 30 2024 23:54:00	Lending Club, 595 Market Street - Ste 200, San Francisco, CA 94105-2802
15693229	+	Email/Text: bankruptcy@marinerfinance.com	Apr 30 2024 23:54:00	Mariner Finance, 8211 Town Center Dr, Nottingham, MD 21236-5904
15693233	+	Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:02:06	SYNCB/Amazon, PO Box 965015, Orlando, FL 32896-5015
15693235	+	Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:01:54	SYNCB/EBAY, Box 71718, Philadelphia, PA

District/off: 0315-2

User: auto

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15693236	+ Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:02:07	19176-1718 SYNCB/Lowe's, PO Box 965005, Orlando, FL 32896-5005
15693238	+ Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:02:00	SYNCB/PPC, PO Box 71718, Philadelphia, PA 19176-1718
15693239	+ Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:02:02	SYNCB/PPMC, PO Box 965005, Orlando, FL 32896-5005
15693237	+ Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:02:00	SYNCB/PayPal Credit Card, 4125 Windward Plaza, Alpharetta, GA 30005-8738
15693240	+ Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:02:06	SYNCB/Sams Club, PO Box 965005, Orlando, FL 32896-5005
15693241	Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:01:54	SYNCB/Sams Club, PO BOX 29116, Mission, KS 66201
15693242	+ Email/PDF: ais.sync.ebn@aisinfo.com	May 01 2024 00:01:53	SYNCB/TJX COS DC, PO Box 530949, Atlanta, GA 30353-0949
15693232	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 01 2024 00:02:01	Sears/CBNA, 13200 Smith Road, Cleveland, OH 44130-7802
15693246	Email/Text: bknotice@upgrade.com	Apr 30 2024 23:54:00	Upgrade Inc, 2 N Central Ave - Fl 10, Phoenix, AZ 85004
15693247	+ Email/PDF: ais.wellsfargo.ebn@aisinfo.com	May 01 2024 00:02:01	Wells Fargo, PO BOX 393, Minneapolis, MN 55480-0393
15708105	Email/PDF: ais.wellsfargo.ebn@aisinfo.com	May 01 2024 00:02:00	Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

TOTAL: 43

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		LAKEVIEW LOAN SERVICING, LLC
15707852	*	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15693244	##+	Tractor Supply/CBNA, 930 National Parkway, Schaumburg, IL 60173-5115

TOTAL: 1 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 02, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 30, 2024 at the address(es) listed below:

District/off: 0315-2

User: auto

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Name	Email Address
Charles Laputka	on behalf of Debtor David Downing claputka@laputkalaw.com jen@laputkalaw.com;jbolles@laputkalaw.com;laputka.charlesb@notify.bestcase.com
Charles Laputka	on behalf of Joint Debtor Sharon Downing claputka@laputkalaw.com jen@laputkalaw.com;jbolles@laputkalaw.com;laputka.charlesb@notify.bestcase.com
Denise Carlon	on behalf of Creditor LAKEVIEW LOAN SERVICING LLC dcarlon@kmlawgroup.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

TOTAL: 5